

AMENDED IN SENATE MAY 21, 1998
AMENDED IN SENATE APRIL 28, 1998
AMENDED IN SENATE MARCH 23, 1998

SENATE BILL

No. 2055

**Introduced by Senator Costa
(Principal coauthor: Senator Rainey)**

February 20, 1998

An act to amend Sections 912 and 912.5 of, and to add Sections 912.1 and 912.6 to, the Welfare and Institutions Code, relating to the Department of the Youth Authority.

LEGISLATIVE COUNSEL'S DIGEST

SB 2055, as amended, Costa. Department of the Youth Authority: county payment rates.

Existing law requires each county to pay the state either \$150 per month or, in specified instances, an alternative rate for each person committed to the Department of the Youth Authority by a juvenile court in that county. Calculation of the alternative rates paid by the county is based upon specified percentages of the per capita institutional cost of the department.

This bill would instead provide that, *effective January 1, 1999*, calculation of the alternative county payment rates shall be based upon specified percentages of an undefined marginal institutional cost of the department, that would be limited to an unspecified maximum amount. The bill would require the Department of the Youth Authority to provide counties with monthly statements of the department's per

capita institutional cost, not to exceed a specified maximum, and the department's marginal institutional cost. The bill would also require counties to deposit specified sums of money in the Local Juvenile Justice Program Development Fund, that would be required to be created in each county, to be distributed by the county board of supervisors to supplement existing funding for specified purposes relating to the housing, punishment, treatment, and rehabilitation of juvenile offenders. Because this bill would impose new duties on counties, it would create a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement, including the creation of a State Mandates Claims Fund to pay the costs of mandates that do not exceed \$1,000,000 statewide and other procedures for claims whose statewide costs exceed \$1,000,000.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. Section 912 of the Welfare and
2 Institutions Code is amended to read:
3 912. Except as otherwise provided in Section 912.5,
4 effective January 1, 1997, for each person committed to
5 the Department of the Youth Authority, the county from
6 which he or she is committed shall pay the state one
7 hundred fifty dollars (\$150) per month for the time that
8 person remains in any institution under the direct
9 supervision of the Department of the Youth Authority, or
10 in any institution, boarding home, foster home, or other
11 private or public institution in which he or she is placed
12 by the Department of the Youth Authority, on parole or
13 otherwise, and cared for and supported at the expense of
14 the Department of the Youth Authority. This section



1 applies to any person committed to the Department of
2 the Youth Authority by a juvenile court, other than those
3 persons who are subject to Section 912.5, including
4 persons committed to the Department of the Youth
5 Authority prior to January 1, 1997, who on or after January
6 1, 1997, remain in or return to the facilities described in
7 this section.

8 The Department of the Youth Authority shall present
9 to the county, not more frequently than monthly, a claim
10 for the amount due the state under this section, which the
11 county shall process and pay pursuant to the provisions of
12 Chapter 4 (commencing with Section 29700) of Division
13 3 of Title 3 of the Government Code.

14 SEC. 2. Section 912.1 is added to the Welfare and
15 Institutions Code, to read:

16 912.1. (a) The Department of the Youth Authority
17 shall present to each county, not more frequently than
18 monthly, a statement of per capita institutional cost and
19 a statement of marginal institutional cost.

20 (b) As used in this section, "per capita institutional
21 cost" means the lesser of (1) the current per capita
22 institutional cost of the department or (2) the per capita
23 institutional cost of the department as of January 1, 1997.

24 (c) As used in this section and Section 912.5, the
25 marginal institutional cost of the department shall not
26 exceed ____ dollars (\$____).

27 SEC. 3. Section 912.5 of the Welfare and Institutions
28 Code is amended to read:

29 912.5. (a) ~~For—Effective January 1, 1999, for each~~
30 person committed to the Department of the Youth
31 Authority by a juvenile court on or after January 1, 1997,
32 *who on or after January 1, 1999, remains in or returns to*
33 *the facilities described in Section 912,* the county from
34 which he or she is committed shall pay the state the
35 following rate:

36 (1) If the offense on which the commitment is based
37 is listed in Section 4955 of Title 15 of the California Code
38 of Regulations, the rate is 50 percent of the marginal
39 institutional cost of the Department of the Youth
40 Authority.

(2) If the offense on which the commitment is based is listed in Section 4956 of Title 15 of the California Code of Regulations, the rate is 75 percent of the marginal institutional cost of the Department of the Youth Authority.

(3) If the offense on which the commitment is based is listed in Section 4957 of Title 15 of the California Code of Regulations, the rate is 100 percent of the marginal institutional cost of the Department of the Youth Authority.

(b) For purposes of this section *and Section 912.6*, “the offense on which the commitment is based” means any offense that has been sustained by the juvenile court and that is included in the determination of the maximum term of imprisonment by the juvenile court pursuant to Section 731.

(c) For purposes of this section *and Section 912.6*, the charge against the county shall not apply to periods of confinement that are solely pursuant to a revocation of parole by the Youthful Offender Parole Board.

(d) The charge against the county prescribed by this section shall be in lieu of the charge prescribed by Section 912 and not in addition to that charge.

(e) The Department of the Youth Authority shall present to the county, not more frequently than monthly, a claim for the amount due the state under this section, which the county shall process and pay pursuant to the provisions of Chapter 4 (commencing with Section 29700) of Division 3 of Title 3 of the Government Code.

(f) The Department of the Youth Authority shall adopt emergency regulations for implementation of this section.

SEC. 4. Section 912.6 is added to the Welfare and Institutions Code, to read:

912.6. (a) ~~On and after Effective January 1, 1999, for each person committed to the Department of the Youth Authority by a juvenile court on or after January 1, 1997, for an offense listed in Sections 4955 to 4957, inclusive, of Title 15 of the California Code of Regulations, the county~~ *person described in Section 912.5, the county from which*

1 he or she is committed shall make a deposit, in the amount
2 specified in subdivision (b), to the Local Juvenile Justice
3 Program Development Fund, that shall be established in
4 each county. The board of supervisors of the county shall
5 distribute moneys from the fund solely for purposes
6 related to programs and facilities for juveniles dedicated
7 to punishment, treatment, and rehabilitation of juvenile
8 offenders and in a manner that will allow the county to
9 house the maximum number of juvenile offenders in
10 county facilities. Funds from the Local Juvenile Justice
11 Program Development Fund shall be used to enhance
12 the county's juvenile justice response by providing
13 supplemental resources and shall not be used to supplant
14 the current level of funding for the recipient county
15 agency.

16 (b) For each person described in subdivision (a), the
17 amount of funds deposited by the county into the Local
18 Juvenile Justice Program Development Fund shall be
19 calculated as follows:

20 (1) If the offense on which the commitment is based
21 is listed in Section 4955 of Title 15 of the California Code
22 of Regulations, the amount shall be 50 percent of the per
23 capita institutional cost of the Department of the Youth
24 Authority, as reported to the county pursuant to Section
25 912.1, less the amount paid by the county pursuant to
26 paragraph (1) of subdivision (a) of Section 912.5.

27 (2) If the offense on which the commitment is based
28 is listed in Section 4956 of Title 15 of the California Code
29 of Regulations, the amount shall be 75 percent of the per
30 capita institutional cost of the Department of the Youth
31 Authority, as reported to the county pursuant to Section
32 912.1, less the amount paid by the county pursuant to
33 paragraph (2) of subdivision (a) of Section 912.5.

34 (3) If the offense on which the commitment is based
35 is listed in Section 4957 of Title 15 of the California Code
36 of Regulations, the amount shall be 100 percent of the per
37 capita institutional cost of the Department of the Youth
38 Authority, as reported to the county pursuant to Section
39 912.1, less the amount paid by the county pursuant to
40 paragraph (3) of subdivision (a) of Section 912.5.

1 (c) For each person described in subdivision (a), the
2 county shall make the deposit required by this section at
3 the same time that the county makes the payment with
4 respect to that person to the Department of the Youth
5 Authority pursuant to Section 912.5.

6 SEC. 5. Notwithstanding Section 17610 of the
7 Government Code, if the Commission on State Mandates
8 determines that this act contains costs mandated by the
9 state, reimbursement to local agencies and school
10 districts for those costs shall be made pursuant to Part 7
11 (commencing with Section 17500) of Division 4 of Title
12 2 of the Government Code. If the statewide cost of the
13 claim for reimbursement does not exceed one million
14 dollars (\$1,000,000), reimbursement shall be made from
15 the State Mandates Claims Fund.

16 Notwithstanding Section 17580 of the Government
17 Code, unless otherwise specified, the provisions of this act
18 shall become operative on the same date that the act
19 takes effect pursuant to the California Constitution.

